

Written Testimony of William P. Barr

United States Senate

Committee on the Judiciary

**Hearing on the Nomination of the Honorable William Pelham Barr to be Attorney General
of the United States**

Tuesday, January 15, 2019

9:30 A.M.

Good morning, Chairman Graham, Ranking Member Feinstein, and members of the Committee:

It is a privilege to come before you today. I am honored that President Trump has nominated me for the position of Attorney General. I regret that I come before this Committee at a time when much of our government is shut down. My thoughts today are with the dedicated men and women of the Department of Justice, and other federal workers, many of whom continue to perform their critical jobs.

As you know, if the Senate confirms me, this would be the second time I would have the honor of serving in this office. During the four years I served under President George H.W. Bush, he nominated me for three successive positions in the Department – Assistant Attorney General for the Office of Legal Counsel; Deputy Attorney General; and, finally, Attorney General. This Committee unanimously approved me for each of those offices.

Twenty-seven years ago, at my confirmation hearing, I explained that the office of Attorney General is not like any other cabinet post; it is unique and has a critical role to play under our constitutional system. I said then:

The Attorney General has very special obligations, unique obligations. He holds in trust the fair and impartial administration of justice. It is the Attorney General's responsibility to enforce the law evenhandedly and with integrity. The Attorney General must ensure that the administration of justice – the enforcement of the law – is above and away from politics. Nothing could be more destructive of our system of government, of the rule of law, or the Department of Justice as an institution, than any toleration of political interference with the enforcement of the law.

I believe this as strongly today as I did 27 years ago – indeed, more strongly. We live in time when the country is deeply divided. In the current environment, the American people have to know that there are places in the government where the rule of law – not politics – holds sway, and where they will be treated fairly based solely on the facts and an even-handed application of the law. The Department of Justice must be such a place.

I did not pursue this position. When my name was first raised, I was reluctant to be considered. I am 68 years old, partially retired, and nearing the end of a long legal career. My wife and I were looking forward to a peaceful and cherished time with our daughters and grandchildren. And I have had this job before. But ultimately, I agreed to serve because I believe strongly in public service, I revere the law, and I love the Department of Justice and the dedicated professionals who serve there. I believe I can do a good job leading the Department in these times.

If confirmed, I will serve with the same independence as in 1991. At that time, when President George H.W. Bush chose me, he sought no promises and asked only that his Attorney General act with professionalism and integrity. Likewise, President Trump has sought no assurances, promises, or commitments from me of any kind, either express or implied, and I have not given him any, other than that I would run the Department with professionalism and integrity. As Attorney General, my allegiance will be to the rule of law, the Constitution, and the American people. That is how it should be. That is how it must be. And, if you confirm me, that is how it will be.

Let me address a few matters I know are on the minds of some of the members of this Committee.

First, I believe it is vitally important that the Special Counsel be allowed to complete his investigation. I have known Bob Mueller personally and professionally for 30 years. We worked closely together throughout my previous tenure at the Department of Justice under President Bush. We've been friends since. I have the utmost respect for Bob and his distinguished record of public service. When he was named special counsel, I said that his selection was "good news" and that, knowing him, I had confidence he would handle the matter properly. I still have that confidence today.

Given his public actions to date, I expect that the Special Counsel is well along in his investigation. At the same time, the President has been steadfast that he was not involved in any collusion with Russian interference in the election. I believe it is in the best interest of everyone – the President, Congress, and, most importantly, the American people – that this matter be resolved by allowing the Special Counsel to complete his work. The country needs a credible resolution of these issues. If confirmed, I will not permit partisan politics, personal interests, or any other improper consideration to interfere with this or any other investigation. I will follow the Special Counsel regulations scrupulously and in good faith, and on my watch, Bob will be allowed to complete his work.

Second, I also believe it is very important that the public and Congress be informed of the results of the Special Counsel's work. For that reason, my goal will be to provide as much transparency as I can consistent with the law. I can assure you that, where judgments are to be made by me, I will make those judgments based solely on the law and will let no personal, political, or other improper interests influence my decision.

Third, I would like to briefly address the memorandum that I wrote last June. I wrote the memo as a former Attorney General who has often weighed in on legal issues of public importance, and

I distributed it broadly so that other lawyers would have the benefit of my views. As I explained in a recent letter to Ranking Member Feinstein, my memo was narrow in scope, explaining my thinking on a specific obstruction-of-justice theory under a single statute that I thought, based on media reports, the Special Counsel might be considering. The memo did not address – or in any way question – the Special Counsel’s core investigation into Russian interference in the 2016 election. Nor did it address other potential obstruction-of-justice theories or argue, as some have erroneously suggested, that a President can never obstruct justice. I wrote it myself, on my own initiative, without assistance, and based solely on public information.

I would also like to offer a few brief comments about what my priorities will be as Attorney General if I am confirmed.

First, we must continue the progress we have made on violent crime while, at the same time, recognizing the changes that have occurred since I last served as Attorney General. Then, the Nation was suffering from the highest violent crime rate in our history. My priority was to protect the public and attack those soaring crime rates by targeting chronic violent offenders and gangs. The crime rate has substantially fallen since 1992. The recently passed First Step Act, which I intend to diligently implement if confirmed, recognizes the progress we have made over the past three decades. Like Attorney General Sessions, I believe we must keep up the pressure on chronic, violent criminals. We cannot allow the progress we have made to be reversed. As Attorney General, I will continue to give priority to the joint efforts with our state and local partners to combat violent crime.

In the past, I was focused on predatory violence. But today I am also concerned about another kind of violent crime. We are a pluralistic and diverse community and becoming ever more so. That is, of course, a good thing – indeed, it is part of our collective American identity. But we can only survive and thrive as Nation if we are mutually tolerant of each other’s differences – whether they be differences based on race, ethnicity, religion, sexual orientation, or political thinking. Each of us treasures our own freedom, but that freedom is most secure when we respect everyone else’s freedom. And yet we see some people violently attacking others simply because of their differences. We must have zero tolerance for such crimes. I am concerned that violence is also rearing its head in the political realm. In our system, political differences are to be mediated by free speech and elections. We must not allow political violence to supplant our political discourse, and I will make this a priority as Attorney General if confirmed.

Next, the Department will continue to prioritize enforcing and improving our immigration laws. As a Nation, we have the most liberal and expansive immigration laws in the world. We attempt to take in huge numbers equitably from all around the world. Legal immigration has historically been a huge benefit for our country. But most of the world’s population lives well below our own poverty level, and we cannot possibly accommodate the many millions more who would want to come here if we had no restrictions. As we open our front door, and try to admit people in an orderly way, we cannot allow others to flout our legal system by crashing in through the back door. Countenancing this lawlessness would be grossly unfair to those abiding by the rules. It would create unsafe conditions on our borders for all involved. It would permit an avenue for criminals and terrorists to gain access to our country. And, it would invite ever-greater and unsustainable influxes of those who enter our country illegally. In short, in order to ensure that

our immigration system works properly, we must secure our Nation's borders, and we must ensure that our laws allow us to process, hold, and remove those who unlawfully enter.

Finally, in a democracy like ours, the right to vote is paramount. In a period of great political division, one of the foundations of our Nation is our enduring commitment to the peaceful transition of power through elections. It is imperative that people have confidence in the outcome of elections. If confirmed, I will give priority to protecting the integrity of elections. I will build on the work already done by Special Counsel Mueller and current Department of Justice leadership and ensure that the full might of our resources are brought to bear against foreign persons who unlawfully interfere in our elections. I believe that our country must respond to any foreign interference with the strongest measures, and we must work with partners at the state level to ensure that our election infrastructure is completely protected. Fostering confidence in the outcome of elections also means ensuring that the right to vote is fully protected, as well as ensuring the integrity of elections.

Let me conclude by making the point that, over the long run, the course of justice in our country has more to do with the character of the Department of Justice as an enduring institution than with the tenure of any particular Attorney General. Above all else, if confirmed, I will work diligently to protect the professionalism and integrity of the Department as an institution, and I will strive to leave it, and the Nation, a stronger and better place.

Thank you very much for your time today. I look forward to answering your questions.